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HOUSE BILL 1150
Committee Substitute Favorable 5/3/89
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Short Title: Plumbing and Heating Contractors.

(Public)

Sponsors:

Referred to:

April 10, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REQUIREMENTS FOR LICENSURE OF PLUMBING
AND HEATING CONTRACTORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 87-21 reads as rewritten:

**"§ 87-21. Definitions; contractors licensed by Board; examination; posting license,
etc.**

(a) Definitions. – For the purpose of this Article:

(1) The word 'plumbing' is hereby defined to be the system of pipes, fixtures, apparatus and appurtenances, installed upon the premises, or in a building, to supply water thereto and to convey sewage or other waste therefrom.

(2) The phrase 'heating, group number one' shall be deemed and held to be the heating system of a building, which requires the use of high or low pressure steam, vapor or hot water, including all piping, ducts, and mechanical equipment appurtenant thereto, within, adjacent to or connected with a building, for comfort heating.

(3) The phrase 'heating, group number two' means an air conditioning system which consists of an assemblage of interacting components producing conditioned air for comfort cooling by the lowering of temperature, and having a mechanical refrigeration capacity in excess of fifteen tons, and which circulates air.

- 1 (4) The phrase 'heating, group number three' shall be deemed and held to
2 be a direct heating system of a building which produces heat to raise
3 the temperature of the space within the building for the purpose of
4 comfort in which electric heating elements or products of combustion
5 exchange heat either directly with the building supply air or indirectly
6 through a heat exchanger and using an air distribution system of ducts.
7 A heating system requiring air distribution ducts and supplied by
8 ground water or utilizing a coil supplied by water from a domestic hot
9 water heater not exceeding 150~ Fahrenheit requires either plumbing
10 or heating group number one license to extend piping from valved
11 connections in the domestic hot water system to the heating coil and
12 requires either heating group number one or heating group number
13 three license for installation of coil, duct work, controls, drains and
14 related appurtenances.
- 15 (5) Any person, firm or corporation, who for a valuable consideration,
16 installs, alters or restores, or offers to install, alter or restore, either
17 plumbing, heating group number one, or heating group number two, or
18 heating group number three, or any combination thereof, as defined in
19 this Article, shall be deemed and held to be engaged in the business of
20 plumbing or heating contracting. Any person who installs a plumbing
21 or heating system on property which at the time of installation was
22 intended for sale or to be used primarily for rental is deemed to be
23 engaged in the business of plumbing or heating contracting without
24 regard to receipt of consideration, unless exempted elsewhere in this
25 Article.
- 26 (6) The word 'contractor' is hereby defined to be a person, firm or
27 corporation engaged in the business of plumbing or heating
28 contracting.
- 29 (7) The word 'heating' shall be deemed and held to mean heating group
30 number one, heating group number two, heating group number three,
31 or any combination thereof.
- 32 (8) The obtaining of a license, as required by this Article, shall not of itself
33 authorize the practice of another profession or trade for which a State
34 qualification license is required.
- 35 (9) The word 'Board' means the State Board of Examiners of Plumbing
36 and Heating Contractors.
- 37 (10) The word 'experience' means actual and practical work directly related
38 to the category of plumbing, heating group number one, heating group
39 number two, or heating group number three, and includes related work
40 for which a license is not required.

41 (b) Classes of Licenses; Eligibility and Examination of Applicant; Necessity for
42 License. – In order to protect the public health, comfort and safety, the Board shall
43 establish two classes of licenses: Class I covering all structures and systems to which
44 this Article applies, and Class II covering plumbing and heating systems in single-

1 family detached residential dwellings. The Board shall prescribe the standard of
2 ~~competence~~ competence, experience and efficiency to be required of an applicant for
3 license of each class, and shall give an examination designed to ascertain the technical
4 and practical knowledge of the applicant concerning the analysis of plans and
5 specifications, estimating costs, fundamentals of installation and design, fire hazards
6 and related subjects as these subjects pertain to either plumbing or heating; and as a
7 result of the examination, the Board shall issue a certificate of license of the appropriate
8 class in plumbing or heating, and a license shall be obtained, in accordance with the
9 provisions of this Article, before any person, firm or corporation shall engage in, or
10 offer to engage in, the business of either plumbing or heating contracting, or any
11 combination thereof. The Board may require experience as a condition of examination,
12 provided that (i) the experience required may not exceed two years, (ii) that up to one-
13 half the experience may be in the form of academic or technical courses of study, and
14 (iii) that registration is not required at the commencement of the period of experience.
15 Conditions of examination set by the Board shall be uniformly applied to each applicant
16 within each license classification. It is the purpose and intent of this section that the
17 Board shall provide an examination for plumbing, heating group number one, or heating
18 group number two, or heating group number three, and it is authorized to issue a
19 certificate of license limited to either plumbing or heating group number one, or heating
20 group number two, or heating group number three, or any combination thereof. Each
21 application for examination shall be accompanied by a check, post-office money order,
22 or cash, in the amount of the annual license fee required by this Article. Regular
23 examinations shall be given in the months of April and October of each year, and
24 additional examinations may be given at such other times as the Board may deem wise
25 and necessary. Any person may demand in writing a special examination, and upon
26 payment by the applicant of the cost of holding such examination and the deposit of the
27 amount of the annual license fee, the Board in its discretion will fix a time and place for
28 such examination. Upon satisfactory proof of the applicant's inability to write and upon
29 demand of an applicant for a Class II plumbing or heating license six weeks prior to an
30 examination, the Board shall conduct the examination of that applicant orally, and shall
31 not require that applicant to take a written examination as to examination inquiries
32 answered other than by preparation of diagrams. Signed statements from two reliable
33 citizens resident in the home county of the applicant shall constitute satisfactory proof
34 of an applicant's inability to write. A person who fails to pass any examination shall not
35 be reexamined until the next regular examination.

36 (c) To Whom Article Applies. – The provisions of this Article shall apply to all
37 persons, firms, or corporations who engage in, or attempt to engage in, the business of
38 plumbing or heating contracting, or any combination thereof as defined in this Article.
39 The provisions of this Article shall not apply to those who make minor repairs or minor
40 replacements to an already installed system of plumbing or heating.

41 (d) Repealed by Session Laws 1979, c. 834, s. 7.

42 (e) Posting License; License Number on Contracts, etc. – The current license
43 issued in accordance with the provisions of this Article shall be posted in the business

1 location of the licensee, and its number shall appear on all proposals or contracts and
2 requests for permits issued by municipalities.

3 (f) Repealed by Session Laws 1971, c. 768, s. 4.

4 (g) The Board may, in its discretion, grant to plumbing or heating contractors
5 licensed by other states license of the same or equivalent classification without written
6 examination upon receipt of satisfactory proof that the qualifications of such applicants
7 are substantially equivalent to the qualifications of holders of similar licenses in North
8 Carolina and upon payment of the usual license fee."

9 Sec. 2. G.S. 87-22 reads as rewritten:

10 **"§ 87-22. License fee based on population; expiration and renewal; penalty.**

11 All persons, firms, or corporations engaged in the business of either plumbing or
12 heating contracting, or both, in cities or towns of 10,000 inhabitants or more shall pay
13 an annual license fee not exceeding ~~fifty dollars (\$50.00)~~, seventy-five dollars (\$75.00),
14 and in cities or towns of less than 10,000 inhabitants an annual license fee not
15 exceeding ~~twenty-five dollars (\$25.00)~~, fifty dollars (\$50.00). In the event the Board
16 refuses to license an applicant, the license fee deposited shall be returned by the Board
17 to the applicant. All licenses shall expire on the last day of December in each year
18 following their issuance or renewal. It shall be the duty of the secretary and treasurer to
19 cause to be mailed to every licensee registered hereunder notice to his last known
20 address of the amount of fee required for renewal of license, such notice to be mailed at
21 least one month in advance of the expiration of said license. In the event of failure on
22 the part of any person, firm or corporation to renew the license certificate annually and
23 pay the fee therefor during the month of January in each year, the Board shall increase
24 said license fee ten per centum (10%) for each month or fraction of a month that
25 payment is delayed; provided that the penalty for nonpayment shall not exceed the
26 amount of the annual fee, and provided further that the Board requires reexamination
27 upon failure of a licensee to renew license within three years after expiration. The Board
28 may adopt regulations requiring attendance at programs of continuing education as a
29 condition of license renewal. A licensee employed full time as a local government
30 plumbing, heating, or mechanical inspector and holding qualifications from the Code
31 Officials Qualification Board may renew his license at a fee not to exceed twenty-five
32 dollars (\$25.00)."

33 Sec. 3. G.S. 87-22.1 reads as rewritten:

34 **"§ 87-22.1. Examination fees; funds disbursed upon warrant of chairman and**
35 **secretary-treasurer.**

36 The Board shall charge an examination fee ~~of ten dollars (\$10.00)~~ not exceeding fifty
37 dollars (\$50.00) for each regular examination provided, and such funds collected shall
38 be disbursed upon warrant of the chairman and secretary-treasurer, to partially defray
39 general expenses of the Board. Such examination fee shall be retained by the Board
40 irrespective of whether or not the applicant is granted a license."

41 Sec. 4. G.S. 87-25 reads as rewritten:

42 **"§ 87-25. Violations made misdemeanor; employees of licensees excepted.**

43 Any person, firm or corporation who shall engage in or offer to engage in, or carry
44 on the business of either plumbing or heating contracting, or both, as defined in G.S. 87-

1 21, without first having been licensed to engage in such business, or businesses, as
2 required by the provisions of this Article; or any person, firm or corporation holding a
3 limited plumbing or heating license under the provisions of this Article who shall
4 practice or offer to practice or carry on any type of plumbing or heating contracting not
5 authorized by said limited license; or any person, firm or corporation who shall give
6 false or forged evidence of any kind to the Board, or any member thereof, in obtaining a
7 license, or who shall falsely impersonate any other practitioner of like or different name,
8 or who shall use an expired or revoked license, or who shall violate any of the
9 provisions of this Article, shall be guilty of a misdemeanor and upon conviction fined
10 not less than one hundred dollars (\$100.00) or imprisoned for not more than three
11 months, or both, in the discretion of the court. ~~Employees, while working under the~~
12 ~~supervision and jurisdiction of a person, firm or corporation licensed in accordance with the~~
13 ~~provisions of the Article, An employee in the course of his work as a bona fide employee~~
14 of a licensee of the Board shall not be construed to have engaged in the business of
15 either plumbing or heating contracting, or both."

16 Sec. 5. This act is effective upon ratification and applies to applications
17 submitted, fees due, and violations committed on or after that date.